



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN COOPER,

Plaintiff,

v.

CAPTAIN E. BIZZARRO and CAPTAIN RHODES,

Defendants.

10 Civ. 0422 (RO)

ORDER

OWEN, District Judge:

Pro se Plaintiff filed his Complaint on January 19, 2010. On June 11, 2010, Plaintiff was issued an Order to Show Cause pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, directing Plaintiff to demonstrate good cause for failure to effect service upon defendants. (Docket Entry No. 6.)

On July 21, 2010, Magistrate Judge Yanthis issued a Report and Recommendation in which he recommended that the action be dismissed for failure to timely serve defendants and failure to show cause, in accordance with Rule 4(m). (Docket Entry No. 7.) The Report and Recommendation further notified both parties that they would have fourteen (14) days to file objections. As of the date of this Order, neither party has filed objections.

The Court concurs with the Report and Recommendation of Magistrate Judge Yanthis, and hereby adopts it in its entirety as the Order of this Court. Accordingly, the action is hereby DISMISSED without prejudice.

SO ORDERED.

April 7, 2011

A handwritten signature in black ink, appearing to read 'Richard Owen', written above a horizontal line.

RICHARD OWEN
UNITED STATES DISTRICT JUDGE